



House of Representatives

File No. 611

General Assembly

February Session, 2002

(Reprint of File No. 401)

Substitute House Bill No. 5573
As Amended by House
Amendment Schedule "A"

Approved by the Legislative Commissioner
May 2, 2002

AN ACT REPEALING OBSOLETE STATUTES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective October 1, 2002*) Sections 1-9b, 1-80a, 2-53k, 2-105,
2 3-4, 3-114k, 3-115c, 4-38i, 4-165a, 4b-40, 4b-41, 4b-75, 4d-6, 4d-16a, 5-
3 156f, 5-165b, 5-172a, 5-191a, 6-28b, 6-38k, 7-254a, 7-350, 7-441a, 7-479x,
4 8-95, 8-96, 8-98 to 8-104, inclusive, 8-265d, 9-15, 10-155i, 10-183ll, 12-2g,
5 12-35d, 12-35e, 12-118a, 12-197, 12-256f, 12-412f, 12-675, 12-700b, 13b-
6 207, 13b-209, 13b-210, 13b-212, 13b-215, 13b-216, 13b-217, 13b-218, as
7 amended, 13b-219, as amended, 13b-220, 13b-307, as amended, 13b-
8 313, 13b-326, 13b-327, 13b-328, 13b-333, 13b-335, 13b-350, 13b-352, 13b-
9 356, 13b-357, 13b-358, 13b-359, 13b-363, 13b-364, 13b-366, 13b-367, 13b-
10 369, 13b-370, 13b-371, 13b-372, 13b-373, 13b-374, 14-36c, 14-37, 14-136,
11 14-164g, 14-202 to 14-209, inclusive, 15-13a, 15-13b, 15-17, 15-117, 16-
12 19ll, 16-49d, 16-204 to 16-215, inclusive, 16-253, 16a-37a, 16a-37b, 16a-
13 39a, 16a-40i, 16a-43, 17a-211c, 17a-451c, 17b-345, 18-23, 19a-15, 19a-58,
14 19a-71, 19a-123c, 19a-203, 19a-612c, 19a-651, 20-357a, 21a-23, 21a-190j,
15 22-121, 22-124, 22a-256s, 22a-281, 22a-484, 25-47, 25-48, 25-50, 25-52, 26-
16 205, 26-223, 26-233a, 26-261, 26-263, 26-264, 26-265, 26-268, 26-270, 27-

17 116, 27-132, 27-133, 27-140a to 27-140f, inclusive, 27-140h to 27-140z,
18 inclusive, 30-97, 31-3aa, 31-97a, 31-388, 32-262a, 32-283, 36a-24a, 36a-
19 428m, 46a-4a, 51-164u, 51-164w, 52-79, 52-482 and 54-93 of the general
20 statutes are repealed.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill repeals various obsolete statutes and makes technical changes that do not result in a fiscal impact.

House Amendment "A" strikes the repeal of certain statutes under the bill, thereby effectively reinstating them. This change has no fiscal impact.

OLR Amended Bill Analysis

sHB 5573 (as amended by House "A")*

AN ACT REPEALING OBSOLETE STATUTES**SUMMARY:**

This bill repeals statutes relating to:

1. transportation,
2. agriculture,
3. environmental protection,
4. government operations,
5. elections,
6. labor,
7. planning and development,
8. building safety,
9. crimes, and
10. veterans.

It also makes technical changes and repeals many statutes applicable to activities which must occur by certain dates, which have passed.

*House Amendment "A" eliminates repeal of some statutes relating to transportation, agriculture, environmental protection, government operations, labor, planning and development, building safety, and crimes.

EFFECTIVE DATE: October 1, 2002

TRANSPORTATION

The bill repeals statutes affecting railroads and railroad operations, trolley companies, motor vehicles, and water and air transportation.

General Operations of Railroad Companies

The bill repeals several laws governing operations of railroads and

railways in Connecticut. Specifically, these laws:

1. prohibit a railroad lease from binding the contracting parties for more than 12 months unless stockholders of the companies involved approve by a two-third majority vote (CGS § 13b-207);
2. prohibit a railroad that has scheduled and operated a passenger train on a regular schedule for 12 consecutive months or more from discontinuing it or eliminating more than 10% of its station stops without the transportation commissioner's written approval following a public hearing, and require the railroad to post notice of the hearing and proposed discontinuance at all its stations for 30 days preceding the hearing (CGS § 13b-209);
3. require each railroad to run its passenger trains at times and in a manner that affords reasonable facilities for connecting passengers (CGS § 13b-210);
4. establish procedures under which the commissioner must respond to certain written complaints, hold hearings, issue necessary orders, and, if the offending railroad fails to comply, cause it to forfeit certain daily monetary penalties for situations when a railroad is alleged to have (a) failed to afford the required reasonable facilities for receiving and delivering connecting passengers (CGS § 13b-212), (b) provided business connections that are not convenient and reasonable for the accommodation of inhabitants on line (CGS § 13b-215), or (c) failed to receive and with reasonable dispatch carry passengers, merchandise, or cars from a connecting railroad or discriminated in time and price in favor of shippers at the point of connection (CGS § 13b-216);
5. allow the commissioner to authorize or require railroads to establish continuous through routes at joint rates when it can be accomplished by construction and maintenance of a switch or other suitable connection (CGS § 13b-217); and
6. prohibit railroads from charging more to transport the same kind and quantity of freight from the same original point of departure and under the same circumstances to a station at a greater distance on its line in the same direction (CGS § 13b-220).

In addition, the bill eliminates two laws that provide a process for railroads to acquire corporate stock of a steamboat, bridge, wharf, or railroad company through condemnation, which require the appraisal of the stock's value according to a statutory process that has previously been repealed (CGS §§ 13b-218 and 13b-219).

Specific Aspects of Railroad Service

The bill also repeals laws authorizing railroads operating in Connecticut to: (1) operate gasoline-powered cars on its railroad to transport passengers and property (CGS § 13b-326); (2) operate all or part of its railroad by electricity provided it gets a certificate from the transportation commissioner stating that it is suitable and safe (CGS § 13b-327); and (3) own or operate aircraft, either directly or through subsidiaries, for transporting passengers and freight for hire (CGS § 13b-328).

It repeals other laws:

1. requiring the commissioner to order the sounding of a train whistle when a train passes over or under a highway when the selectmen of any town make a written complaint that it is required for public safety and he deems it advisable (CGS § 13b-333);
2. prohibiting railroads from changing the character of their signal systems until the commissioner holds a hearing and gives written approval (CGS § 13b-335);
3. requiring railroads to use standard time in Connecticut in their advertisements and timetables and subjecting them to a \$25 fine for not doing so (CGS § 13b-350);
4. requiring railroads to provide (a) suitable platforms between cars to allow safe passage of passengers from car to car, (b) a suitable quantity of safe drinking water and cups for the free use of passengers, and (c) a receipt or check for any passenger separated from his baggage by the company (CGS § 13b-352);
5. prohibiting a railroad from leaving any hand car or vehicle not moved by steam within 50 feet of a road crossing the track (CGS § 13b-352);
6. prohibiting railroads from receiving for transport or transporting any explosive materials except in accordance with the transportation commissioner's regulations (CGS § 13b-356);
7. prohibiting railroads from charging any consignee of merchandise or freight for storage in a warehouse or other facility for a period of less than two days (CGS § 13b-357);
8. prohibiting railroads from having a lien on merchandise or freight for transportation charges unless it, upon request, delivers a copy of the bill or charges as they appear on the waybill (CGS § 13b-358);
9. requiring a railroad to forfeit \$50 if it refuses to give a receipt to the owner or shipper describing a commodity delivered to it for

- transportation (CGS § 13b-359);
10. requiring a train to fully stop at least 200 feet and not more than 800 feet from a drawbridge or point where its line is crossed by another railroad except when the commissioner has authorized that stopping is not necessary (CGS § 13b-366);
 11. requiring the commissioner to investigate all complaints regarding interference with navigation in the use of drawbridges over navigable waters and to make such orders that will remove just cause of complaint (CGS § 13b-367);
 12. allowing the commissioner to permit a passenger train to run past a switch, station, or highway crossing without stopping, at a prescribed speed, when the railroad provides the safeguards the commissioner requires for protection of passengers and the public (CGS § 13b-369);
 13. requiring a railroad to maintain a safe and suitable platform for shipping livestock at or near each station where livestock is handled (CGS § 13b-370);
 14. requiring a railroad to provide a suitable hospital stretcher in some car in each of its trains and at each passenger station for use in case of accidents (CGS § 13b-371);
 15. establishing maximum daily work hours for telephone and telegraph operators responsible for spacing trains under a "block system," and for train dispatchers (CGS § 13b-372);
 16. permitting railroads to make and enforce reasonable regulations concerning the size and kind of packages or baggage that can be brought into passenger cars and the use of seats and passageways in cars (CGS § 13b-373); and
 17. authorizing the commissioner to make any order he feels is required for public safety regarding the heating and lighting of passenger cars (CGS § 13b-374).

Danger of Fire On or Near Railroad Rights-of-Way

In addition, the bill eliminates authority for a railroad company, with written authorization from the state forest fire warden, to enter unimproved land adjoining its right-of-way to clear, at its own expense and without liability for trespass, dry leaves, grass, wood, dead trees, or any other flammable material to a distance of 100 feet from the outer rail of the nearest track. The authority includes the right to burn the material on the premises under the supervision of the district fire warden, requires the railroad to notify the land owner or occupant at least 10 days prior to taking any action, and requires it to meet certain

notice requirements (CGS § 13b-363).

The bill eliminates the prohibition against an appraisal for damages for land taken or injured by the location or construction of a railroad, including any compensation for the increased risk of fire to any buildings erected or to be erected on land outside the location due to sparks from the railroad (CGS § 13b-364).

Railroad Construction and Location

The bill repeals two laws concerning the construction and location of railroads by railroad companies. The laws: (1) on a railroad's petition, allow the commissioner to order it to change the location of any canal or watercourse to allow the railroad to be more advantageously constructed, maintained, or operated, provided the railroad meets certain other requirements (CGS § 13b-307); and (2) if the railroad refuses to stop its passenger trains at any station, allow the local elected officials to petition the commissioner in writing to order such stops as he deems equitable, following notice and a hearing (CGS § 13b-313).

Street Railway (Trolley) Companies

The bill repeals provisions regarding the organization and financing of street railway (trolley) companies. The repeals may affect those bus companies that are their successors (CGS §§ 16-204 through 16-215)

Motor Vehicles

The bill repeals motor vehicle laws:

1. requiring that the law relating to license classifications apply only to licenses issued on and after January 1, 1970 (CGS § 14-36c);
2. allowing the commissioner to issue a limited license to someone who has not given proof of financial responsibility as required by law and to permit him to operate a vehicle whose owner has given such proof, has filed evidence of insurance or indemnity under other specific laws, or was issued a Department of Public Utility Control permit or certificate (CGS § 14-37); and
3. except when otherwise specified by law, allowing the commissioner to waive any official action upon a first complaint or conviction for violating any provision of CGS §§ 14-1 through 14-

164a of the motor vehicle laws (CGS § 14-136);

The bill also eliminates several laws relating to issuing titles, most of which apply to vehicles registered in Connecticut on July 1, 1959 or whose last registration before July 1, 1959 was in Connecticut (CGS § 14-202 through 14-209).

Ships

The bill repeals the law requiring a steamship company or a vessel captain to give a passenger who is separated from his baggage under the company's or captain's regulations a check for his baggage at the time of separation or be liable for a \$10 fine (CGS § 15-17).

ENVIRONMENTAL PROTECTION

The bill repeals a number of environmental protection statutes concerning agriculture, fish and shellfish, and ice ponds.

Agriculture

The bill repeals a law prohibiting agricultural societies from leasing their fair buildings or grounds for the operation of gambling or immoral shows. Legally conducted bingo games, raffles, and bazaars are exempt (CGS § 22-121). It also repeals the law allowing such societies to appoint special police to patrol fairgrounds, including the authority of such police to arrest or eject disorderly people and "generally" have the same power as constables or policemen (CGS § 22-124).

Fish and Shellfish

The bill repeals a law requiring the agriculture commissioner to appoint dumping inspectors to accompany each boat towing or carrying mud or other material to ensure it is properly dumped (CGS § 26-223) and another allowing him to appoint two shellfish wardens in each town bordering Long Island Sound to assist in detecting and prosecuting law violators (CGS § 26-205).

It also eliminates laws:

1. allowing the agricultural commissioner and the Stratford Shellfish

Commission to issue regulations permitting the taking of oysters from the Housatonic River by means other than tongs from beds within their jurisdictions (CGS § 26-233a);

2. imposing fines, jail sentences, or both on people who (a) take or carry away clams from the Oyster River in West Haven and Milford from a specific bridge (CGS § 26-261); (b) take more than one peck of clams at any one tide from Milford's Gulf Pond (CGS § 26-263); (c) use dredges to take oysters from any natural or public bed in certain areas of New Haven Harbor (CGS § 26-264); or (d) use dredges to take shells or shellfish from certain areas of New Haven Harbor, East Haven, or Morris Creek without the adjacent landowner's consent (CGS § 26-265);
3. imposing a maximum \$100 fine and up to 60 days in jail on anyone who, without the owner's permission, takes shells or shellfish or uses spears for taking fish from any place designated for planting or cultivating oysters within two miles of the Branford or East Haven shore (CGS § 26-268);
4. imposing fines, jail sentences, or both, and temporary loss of shellfishing rights on people who use dredges or other instruments drawn by boat to take oysters or any substance upon which oysters will naturally set from any natural or public oyster bed in Westbrook (CGS § 26-270); and
5. limiting the quantity of oysters and clams that can be taken from public or natural grounds in Westbrook, prohibiting oystering and clamming at night in that town, and imposing penalties on violators (CGS § 26-270).

Ice Ponds

The bill repeals three laws concerning damage or pollution to ice on ponds, when the pond's ice was intended for domestic use, and one law prohibiting locating a cemetery within 600 feet of such ice ponds (CGS §§ 25-47, 25-48, 25-50, and 25-52). The repeal removes fine and jail penalties for failing to notify the Department of Public Health about ice intended for domestic use coming from other states.

GOVERNMENT OPERATIONS

Government Administration

The bill repeals government administration statutes concerning:

1. the former joint legislative ethics committee's duty to turn over its legislative statements to the State Ethics Commission and with limited exceptions, the commission's duty to keep the statements confidential (except for the identity of creditors, financial statements submitted to the commission are public and open to disclosure) (CGS § 1-80a);
2. agencies' use of non-alkaline paper in stock on October 1, 1991 (CGS § 1-9b); and
3. the Legislative Program Review and Investigation Committee's duty to review the energy management program (the review was completed in 1981) (CGS § 2-53k).

It also removes:

1. the governor's authority to appoint (1) a clerk and (2) an executive secretary at an annual salary of \$6,000 to keep a journal of executive proceedings and decisions and submit them to the General Assembly for review (CGS § 3-4);
2. a provision that the 1977 executive branch reorganization does not affect state employees' collective bargaining rights (CGS § 4-38i);
3. a property tax exemption for Norwich property the state leased to build a courthouse (CGS § 4b-40);
4. the Department of Public Works commissioner's authority to enter into a lease-purchase agreement and easement for the development of a courthouse in Vernon and tax exemption for the property during the lease term (CGS § 4b-41);
5. a requirement that the public works and correction commissioners give quarterly reports on the status of all planned and ongoing emergency correctional facility projects (CGS § 4b-75);
6. a requirement for the chief information officer (CIO) of information technology to submit an implementation plan of its policy goals and strategies by January 1, 1998 (CGS § 4d-6); and
7. the authority of the CIO and municipal chief executive officers to contract for year 2000 date change services by joining cooperative purchasing plans (CGS § 4d-16a).

Voter Registration

The bill eliminates a law specifying the town of residence for purposes of voter registration for a pauper who receives support payments from another town (CGS § 9-15).

LABOR

The bill eliminates the part of a law allowing the State Bond Commission to authorize state bonds to fund grants to towns to finance emergency municipal public works employment projects from lists towns submitted by October 1, 1975 that sets eligibility requirements (CGS § 31-388).

It also repeals laws:

1. establishing a 10-member commission that was formed to study the past service liability of the State Employee Retirement System (SERS) and issue a report by January 15, 1993 (CGS § 5-156f);
2. requiring that all options in SERS elected before July 1, 1969 remain in effect, but be computed in accordance with the actuarial tables in effect at the time of retirement or death (CGS § 5-165b); and
3. requiring the Permanent Commission on the Status of Women to collect and assemble all available data on job sharing and send the information to the Labor, Education, and Administrative Services departments (CGS § 46a-4a).

PLANNING AND DEVELOPMENT

The bill repeals laws that:

1. provide coverage under the non-lapsing Connecticut Works Guarantee Fund for all guarantees in effect or pending on June 14, 1993 in accordance with CGS § 32-261 (CGS § 32-262a) and
2. require regional corporations that received a Connecticut Development Authority (CDA) grant under CGS § 32-267 to submit a report on fund usage plans to CDA by July 1, 1993 (CGS § 32-283).

CRIMES

The bill repeals a law imposing fines and jail sentences on people who adulterate molasses or sell molasses that has been adulterated with salts of tin, terra alba, glucose, dextrose, starch, sugar, corn syrup, or other starch preparation (CGS § 21a-23).

VETERANS

The bill eliminates laws requiring the adjutant general of the Military

Department to prepare and publish a roster of people who served in World War I and distribute copies to certain entities (CGS §§ 27-132 and 27-133).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0